

Bill No. CS for SB 1320

Barcode 914984

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity  
(Constantine) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (4) of section  
119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying  
of public records.--

(4) AGENCY PERSONNEL INFORMATION.--

(d)1. The home addresses, telephone numbers, social  
security numbers, and photographs of active or former law  
enforcement personnel, including correctional and correctional  
probation officers, personnel of the Department of Children  
and Family Services whose duties include the investigation of  
abuse, neglect, exploitation, fraud, theft, or other criminal  
activities, personnel of the Department of Health whose duties  
are to support the investigation of child abuse or neglect,  
and personnel of the Department of Revenue or local

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1 governments whose responsibilities include revenue collection  
2 and enforcement or child support enforcement; the home  
3 addresses, telephone numbers, social security numbers,  
4 photographs, and places of employment of the spouses and  
5 children of such personnel; and the names and locations of  
6 schools and day care facilities attended by the children of  
7 such personnel are exempt from s. 119.07(1). The home  
8 addresses, telephone numbers, and photographs of firefighters  
9 certified in compliance with s. 633.35; the home addresses,  
10 telephone numbers, photographs, and places of employment of  
11 the spouses and children of such firefighters; and the names  
12 and locations of schools and day care facilities attended by  
13 the children of such firefighters are exempt from s.  
14 119.07(1). The home addresses and telephone numbers of  
15 justices of the Supreme Court, district court of appeal  
16 judges, circuit court judges, and county court judges; the  
17 home addresses, telephone numbers, and places of employment of  
18 the spouses and children of justices and judges; and the names  
19 and locations of schools and day care facilities attended by  
20 the children of justices and judges are exempt from s.  
21 119.07(1). The home addresses, telephone numbers, social  
22 security numbers, and photographs of current or former state  
23 attorneys, assistant state attorneys, statewide prosecutors,  
24 or assistant statewide prosecutors; the home addresses,  
25 telephone numbers, social security numbers, photographs, and  
26 places of employment of the spouses and children of current or  
27 former state attorneys, assistant state attorneys, statewide  
28 prosecutors, or assistant statewide prosecutors; and the names  
29 and locations of schools and day care facilities attended by  
30 the children of current or former state attorneys, assistant  
31 state attorneys, statewide prosecutors, or assistant statewide

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1 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I  
2 of the State Constitution.

3           2. The home addresses, telephone numbers, social  
4 security numbers, and photographs of current or former human  
5 resource, labor relations, or employee relations directors,  
6 assistant directors, managers, or assistant managers of any  
7 local government agency or water management district whose  
8 duties include hiring and firing employees, labor contract  
9 negotiation, administration, or other personnel-related  
10 duties; the names, home addresses, telephone numbers, social  
11 security numbers, photographs, and places of employment of the  
12 spouses and children of such personnel; and the names and  
13 locations of schools and day care facilities attended by the  
14 children of such personnel are exempt from s. 119.07(1) and s.  
15 24(a), Art. I of the State Constitution. This subparagraph is  
16 subject to the Open Government Sunset Review Act in accordance  
17 with s. 119.15 and shall stand repealed on October 2, 2006,  
18 unless reviewed and saved from repeal through reenactment by  
19 the Legislature.

20           3. The home addresses, telephone numbers, social  
21 security numbers, and photographs of current or former United  
22 States attorneys and assistant United States attorneys; the  
23 home addresses, telephone numbers, social security numbers,  
24 photographs, and places of employment of the spouses and  
25 children of current or former United States attorneys and  
26 assistant United States attorneys; and the names and locations  
27 of schools and day care facilities attended by the children of  
28 current or former United States attorneys and assistant United  
29 States attorneys are exempt from s. 119.07(1) and s. 24(a),  
30 Art. I of the State Constitution. This subparagraph is subject  
31 to the Open Government Sunset Review Act in accordance with s.

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1 119.15 and shall stand repealed on October 2, 2009, unless  
2 reviewed and saved from repeal through reenactment by the  
3 Legislature.

4           4. The home addresses, telephone numbers, social  
5 security numbers, and photographs of current or former judges  
6 of United States Courts of Appeal, United States district  
7 judges, and United States magistrate judges; the home  
8 addresses, telephone numbers, social security numbers,  
9 photographs, and places of employment of the spouses and  
10 children of current or former judges of United States Courts  
11 of Appeal, United States district judges, and United States  
12 magistrate judges; and the names and locations of schools and  
13 day care facilities attended by the children of current or  
14 former judges of United States Courts of Appeal, United States  
15 district judges, and United States magistrate judges are  
16 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
17 Constitution. This subparagraph is subject to the Open  
18 Government Sunset Review Act in accordance with s. 119.15 and  
19 shall stand repealed on October 2, 2009, unless reviewed and  
20 saved from repeal through reenactment by the Legislature.

21           5. The home addresses, telephone numbers, social  
22 security numbers, and photographs of current or former code  
23 enforcement officers; the names, home addresses, telephone  
24 numbers, social security numbers, photographs, and places of  
25 employment of the spouses and children of such persons; and  
26 the names and locations of schools and day care facilities  
27 attended by the children of such persons are exempt from s.  
28 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
29 subparagraph is subject to the Open Government Sunset Review  
30 Act in accordance with s. 119.15 and shall stand repealed on  
31 October 2, 2006, unless reviewed and saved from repeal through

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1 reenactment by the Legislature.

2           6. The home addresses, telephone numbers, places of  
3 employment, and photographs of current or former guardians ad  
4 litem, as defined in s. 39.820, and the names, home addresses,  
5 telephone numbers, and places of employment of the spouses and  
6 children of such persons, are exempt from s. 119.07(1) and s.  
7 24(a), Art. I of the State Constitution, if the guardian ad  
8 litem provides a written statement that the guardian ad litem  
9 has made reasonable efforts to protect such information from  
10 being accessible through other means available to the public.  
11 This subparagraph is subject to the Open Government Sunset  
12 Review Act in accordance with s. 119.15 and shall stand  
13 repealed on October 2, 2010, unless reviewed and saved from  
14 repeal through reenactment by the Legislature.

15           7. The home addresses, telephone numbers, and  
16 photographs of current or former juvenile probation officers,  
17 juvenile probation supervisors, detention superintendents,  
18 assistant detention superintendents, senior juvenile detention  
19 officers, juvenile detention officer supervisors, juvenile  
20 detention officers, house parents I and II, house parent  
21 supervisors, group treatment leaders, group treatment leader  
22 supervisors, rehabilitation therapists, and social services  
23 counselors of the Department of Juvenile Justice, the names,  
24 home addresses, telephone numbers, and places of employment of  
25 spouses and children of such personnel, and the names and  
26 locations of schools and day care facilities attended by the  
27 children of such personnel are exempt from s. 119.07(1) and s.  
28 24(a), Art. I of the State Constitution. This subparagraph is  
29 subject to the Open Government Sunset Review Act in accordance  
30 with s. 119.15 and shall stand repealed on October 2, 2011,  
31 unless reviewed and saved from repeal through reenactment by

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1 the Legislature.

2           ~~8.7.~~ An agency that is the custodian of the personal  
3 information specified in subparagraph 1., subparagraph 2.,  
4 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~  
5 subparagraph 6., or subparagraph 7. and that is not the  
6 employer of the officer, employee, justice, judge, or other  
7 person specified in subparagraph 1., subparagraph 2.,  
8 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~  
9 subparagraph 6., or subparagraph 7. shall maintain the exempt  
10 status of the personal information only if the officer,  
11 employee, justice, judge, other person, or employing agency of  
12 the designated employee submits a written request for  
13 maintenance of the exemption to the custodial agency.

14           Section 2. For the purpose of incorporating the  
15 amendment made by this act to section 119.071, Florida  
16 Statutes, in a reference thereto, section 409.2577, Florida  
17 Statutes, is reenacted to read:

18           409.2577 Parent locator service.--The department shall  
19 establish a parent locator service to assist in locating  
20 parents who have deserted their children and other persons  
21 liable for support of dependent children. The department shall  
22 use all sources of information available, including the  
23 Federal Parent Locator Service, and may request and shall  
24 receive information from the records of any person or the  
25 state or any of its political subdivisions or any officer  
26 thereof. Any agency as defined in s. 120.52, any political  
27 subdivision, and any other person shall, upon request, provide  
28 the department any information relating to location, salary,  
29 insurance, social security, income tax, and employment history  
30 necessary to locate parents who owe or potentially owe a duty  
31 of support pursuant to Title IV-D of the Social Security Act.

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1 This provision shall expressly take precedence over any other  
2 statutory nondisclosure provision which limits the ability of  
3 an agency to disclose such information, except that law  
4 enforcement information as provided in s. 119.071(4)(d) is not  
5 required to be disclosed, and except that confidential  
6 taxpayer information possessed by the Department of Revenue  
7 shall be disclosed only to the extent authorized in s.  
8 213.053(15). Nothing in this section requires the disclosure  
9 of information if such disclosure is prohibited by federal  
10 law. Information gathered or used by the parent locator  
11 service is confidential and exempt from the provisions of s.  
12 119.07(1). Additionally, the department is authorized to  
13 collect any additional information directly bearing on the  
14 identity and whereabouts of a person owing or asserted to be  
15 owing an obligation of support for a dependent child. The  
16 department shall, upon request, make information available  
17 only to public officials and agencies of this state; political  
18 subdivisions of this state, including any agency thereof  
19 providing child support enforcement services to non-Title IV-D  
20 clients; the custodial parent, legal guardian, attorney, or  
21 agent of the child; and other states seeking to locate parents  
22 who have deserted their children and other persons liable for  
23 support of dependents, for the sole purpose of establishing,  
24 modifying, or enforcing their liability for support, and shall  
25 make such information available to the Department of Children  
26 and Family Services for the purpose of diligent search  
27 activities pursuant to chapter 39. If the department has  
28 reasonable evidence of domestic violence or child abuse and  
29 the disclosure of information could be harmful to the  
30 custodial parent or the child of such parent, the child  
31 support program director or designee shall notify the

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1 Department of Children and Family Services and the Secretary  
2 of the United States Department of Health and Human Services  
3 of this evidence. Such evidence is sufficient grounds for the  
4 department to disapprove an application for location services.

5       Section 3. The Legislature finds that it is a public  
6 necessity that the home addresses, telephone numbers, and  
7 photographs of current or former juvenile probation officers,  
8 juvenile probation supervisors, detention superintendents,  
9 assistant detention superintendents, senior juvenile detention  
10 officers, juvenile detention officer supervisors, juvenile  
11 detention officers, house parents I and II, house parent  
12 supervisors, group treatment leaders, group treatment leader  
13 supervisors, rehabilitation therapists, and social services  
14 counselors of the Department of Juvenile Justice, the names,  
15 home addresses, telephone numbers, and places of employment of  
16 spouses and children of such personnel, and the names and  
17 locations of schools and day care facilities attended by the  
18 children of such personnel be made exempt from public-records  
19 requirements. This exemption is justified because, if such  
20 information were not made exempt from public-records  
21 requirements, a juvenile probation officer, juvenile probation  
22 supervisor, detention superintendent, assistant detention  
23 superintendent, senior juvenile detention officer, juvenile  
24 detention officer supervisor, juvenile detention officer,  
25 house parent, house parent supervisor, group treatment leader,  
26 group treatment leader supervisor, rehabilitation therapist,  
27 or social services counselor of the Department of Juvenile  
28 Justice or his or her family could be harmed or threatened  
29 with harm by a juvenile defendant or by a friend or family  
30 member of a juvenile defendant.

31       Section 4. This act shall take effect October 1, 2006.



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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3           Delete everything before the enacting clause

4

5 and insert:

6                           A bill to be entitled

7           An act relating to public records; amending s.

8           119.071, F.S.; providing an exemption from

9           public-records requirements for the home

10           addresses, telephone numbers, and photographs

11           of current or former juvenile probation

12           officers, juvenile probation supervisors,

13           detention superintendents, assistant detention

14           superintendents, senior juvenile detention

15           officers, juvenile detention officer

16           supervisors, juvenile detention officers, house

17           parents I and II, house parent supervisors,

18           group treatment leaders, group treatment leader

19           supervisors, rehabilitation therapists, and

20           social services counselors of the Department of

21           Juvenile Justice, the names, home addresses,

22           telephone numbers, and places of employment of

23           spouses and children of such personnel, and the

24           names and locations of schools and day care

25           facilities attended by the children of such

26           personnel; providing for review and repeal;

27           reenacting s. 409.2577, F.S., relating to

28           disclosure of information to the parent locator

29           service of the Department of Children and

30           Family Services, for the purpose of

31           incorporating the amendment to s. 119.071,

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1 F.S., in a reference thereto; providing a  
2 statement of public necessity; providing an  
3 effective date.

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